

RECEIVED  
CENTRAL FAX CENTER

## LAW OFFICES OF MARK H. PLAGER, P.C.

NOV 07 2005

Sea Cliff Office Park  
2134 Main Street, Suite 130  
Huntington Beach, California 92648  
Telephone: (714) 374-9160  
Alt. Telephone: (714) 827-1279  
Fax: (714) 374-9170

## FAX COVER SHEET

FAX NUMBER TRANSMITTED TO: (571)273-8300

To: A. Phi Dieu Tran  
Of: USPTO, Group Art Unit 3637  
From: Mark Plager  
Client/Matter: 10072-002  
Date: November 7, 2005 (10:46am)

DOCUMENTS	NUMBER OF PAGES*
Supplemental Response to 9/15/05 Office Action	4

## CONFIDENTIALITY NOTE:

The information contained in this facsimile message is legally privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this telecopy is strictly prohibited. If you have received this telecopy in error, please immediately notify us by telephone and return the original message to us at the address above via the United States Postal Service. Thank you.

## COMMENTS:

\* NOT COUNTING COVER SHEET. IF YOU DO NOT RECEIVE ALL PAGES, PLEASE TELEPHONE US  
IMMEDIATELY AT (714) 374-9160

RECEIVED  
CENTRAL FAX CENTER

NOV 07 2005

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Inventor: Thomas R. Herren ) G.U.A.  
Serial No.: 10/600,806 ) 3637  
Title: Multipurpose Construction )  
Assembly and Method )  
Filed: 06/19/2003 )  
Examiner: A. Phi Dieu Tran )

SUPPLEMENTAL RESPONSE TO DETAILED ACTION  
*Election / Restriction*

Ass't Commissioner of Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

In further response to the September 15, 2005 Restriction of the above-referenced patent application and after a telephonic interview with the Examiner on October 10, 2005, Applicant makes the following election strictly for facilitating examination of the above-referenced application, and for no other purpose. For purposes of examination and moving this application forward, Applicant elects Figures 1 and 2.

However, Applicant renews its objection Examiner's request for a restriction predicated upon Figures not Claims. Section 121 of the Patent Act provides that "[i]f two or more independent and distinct inventions are claimed in one application, the Commissioner may